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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 RYAN WAYNE BADGLEY,

13 Defendant.

NO. CR04-568-MJP

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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15 An evidentiary hearing on a petition for violation of supervised release was held before
16 the undersigned Magistrate Judge on February 2, 2012. The United States was represented by
17 Assistant United States Attorney Stephen Hobbs, and the defendant by Tom Hillier for Kyana
18 Stephens. The proceedings were digitally recorded.

19 The defendant had been charged and convicted of Possession with Intent to Distribute
20 Heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). On or about April 5, 2005,,
21 defendant was sentenced by the Honorable Marsha J. Pechman to a term of eighty-seven
22 months in custody, to be followed by five years of supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in a substance abuse
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1 program, financial disclosure, DNA collection, prohibition from firearms, search, participation
2 in the Moral Reconciliation Therapy Program and 120 days in a RRC.

3 In a Petition for Warrant or Summons, dated January 9, 2012, U.S. Probation Officer
4 Angela M. McGlynn asserted the following violations by defendant of the conditions of his
5 supervised release:

- 6 1. Using cocaine on or before November 16, 2011, in violation of standard
7 condition No. 7.
- 8 2. Consuming alcohol on or about January 8, 2012, in violation of standard
9 condition No. 7.
- 10 3. Committing the crime of driving while under the influence and hit and run on or
11 about January 8, 2012, in violation of the special condition that prohibits the
12 defendant from committing any new local, state, or federal crimes.

13 On January 13, 2012, defendant made his initial appearance. The defendant was
14 advised of the allegations and advised of his rights. On February 2, 2012, defendant appeared
15 for an evidentiary hearing on the alleged violations. Defendant admitted to violation 1. As to
16 alleged violations 2 and 3, the evidentiary hearing proceeded based on a submitted police
17 report. After consideration, the Court found defendant to have committed violations 2 and 3.

18 I therefore recommend that the Court find the defendant to have violated the terms and
19 conditions of his supervised release as to violations 1, 2 and 3, and that the Court conduct a
20 hearing limited to disposition. A disposition hearing on these violations has been set before the
21 Honorable Marsha J. Pechman on February 29, 2012 at 1:30 p.m.

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1 Pending a final determination by the Court, the defendant has been released, subject to
2 supervision.

3 DATED this 2nd day of February, 2012.

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5 JAMES P. DONOHUE
6 United States Magistrate Judge
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9 cc: District Judge: Honorable Marsha J. Pechman
AUSA: Stephen Hobbs
10 Defendant's attorney: Kyana Stephens
11 Probation officer: Angela M. McGlynn
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